

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 20, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Rusty Lee Garcia

Case Number: 0980 2:11CR02094-EFS-1

Address of Offender:

Spokane, WA 99205

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: January 26, 2012

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 77 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: August 18, 2017

Defense Attorney: Federal Public Defender

Date Supervision Expires: August 17, 2020

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 09/26/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition # 4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court

Supporting Evidence: On August 18, 2017, Mr. Rusty Garcia signed his conditions of supervision relative to case number 2:11CR02094-EFS-1, indicating that he understood all conditions as ordered by the Court. Specifically, Mr. Garcia was made aware by his U.S. probation officer that he must refrain from any unlawful use of a controlled substance.

Mr. Garcia is alleged to have violated mandatory condition number 4, by ingesting methamphetamine on or about Wednesday, October 11, 2017, based on his admission.

Specifically, Mr. Garcia reported to the U.S. Probation Office on October 13, 2017, following his release from the Spokane County Jail and prior to his transport to Pioneer Center East where he was scheduled to engage in inpatient chemical dependency services. Upon arrival, Mr. Garcia was informed that a urinalysis sample would be collected, at which time he indicated that he was not prepared to give a sample and requested an opportunity to drink some water.

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Mr. Garcia indicated his preparedness a short time later, but upon entering the room utilized for urinalysis testing, admitted to ingesting methamphetamine while in the jail on Wednesday, October 11, 2017. Mr. Garcia explained his actions by indicating that someone else had brought it in and that he was an "addict." Mr. Garcia remained unable to provide a urinalysis sample for testing following the admission.

The U.S. Probation Office respectfully recommends the Court incorporate the current alleged violation with all future proceedings with the violation previously reported to the Court on the petition dated September 26, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 18, 2017

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer
October 20, 2017

Date